

THE HONORABLE MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ANCORA TECHNOLOGIES, INC.,

Plaintiff

vs.

TOSHIBA AMERICA
INFORMATION SYSTEMS, INC.,
ET AL.,

Defendants

TOSHIBA AMERICA
INFORMATION SYSTEMS, INC.,
ET AL.,

Counterclaimants

vs.

ANCORA TECHNOLOGIES,
INC.,

Counterdefendant

MICROSOFT CORPORATION,

Intervenor

CIVIL NO. 2:09-cv-00270-MJP

STIPULATION AND [PROPOSED]
ORDER RE MODIFICATION TO THE
PROTECTIVE ORDER (Dkt. #45)

STIPULATED MODIFICATION TO PROTECTIVE ORDER

Through their undersigned counsel of record, Plaintiff Ancora Technologies, Inc., Defendants Toshiba America Information Systems, Inc., Dell Inc., Hewlett-Packard Company, Intervenor Microsoft Corporation, and Third Party Defendant Miki Mullor (collectively the "Parties") stipulate to a modification of paragraph 23 ("Prosecution Bar") of the Protective Order, such that it shall now read as follows:

Prosecution Bar

23. Any person who actually reviews CONFIDENTIAL INFORMATION, HIGHLY CONFIDENTIAL INFORMATION or OUTSIDE COUNSEL EYES ONLY SOURCE CODE shall not directly or indirectly (e.g., by advising) participate in the drafting or amending of any patent claims relating to the subject of the U.S. Patent No. 6,411,941 or the subject of operating system software security for personal computers from the time of receipt or review of such information through and including one (1) year following judgment (excluding any appeals) or settlement of this matter, whichever is earlier. This restriction does not apply generally to law firms involved in this litigation, but only to specific individuals. Notwithstanding the foregoing, in the event of a re-examination of the U.S. Patent No. 6,411,941 by the U.S. Patent and Trademark office, the limitations set out in this paragraph shall not prevent outside counsel for a party from participating fully in the re-examination proceedings, including drafting or amending patent claims related to the subject of U.S. Patent No. 6,411,941. The Parties specifically agreed to address whether independent experts are subject to the prosecution bar of paragraph 23 on an as needed basis. The Parties each respectfully reserve and do not waive any position or issues based on this stipulation regarding the above points.

The Parties respectfully request that the foregoing modification to the Protective Order be approved and adopted by the Court.

1 **SO STIPULATED AND AGREED:**

2 Dated: November 4, 2009

Respectfully submitted,

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5 By /s/ Marc Lorelli

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Attorneys for Intervenor Microsoft Corp.

[PROPOSED] ORDER

IT IS SO ORDERED.

Dated this ____ day of _____, 2009.

HONORABLE MARSHA J. PECHMAN
UNITED STATES DISTRICT COURT JUDGE

Presented by:

BROOKSKUSHMAN P.C.

By /s/ Marc Lorelli

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